

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R08-324]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 23, Board of Pharmacy
Articles and their headings: 1, Administration
Section numbers: R4-23-110 (Sections may be added, deleted or modified as necessary.)
2. **Subject matter of the proposed rule:**
A Notice of Rulemaking Docket Opening was published on October 3, 2008 regarding proposed changes to the resident drug manufacturer rule. The Board staff determined that proposed rulemaking requires some new definitions. Article 1 (Administration) was not cited in that docket opening. With the publication of this rulemaking docket opening, R4-23-110 (Definitions) will be amended with new definitions related to the resident drug manufacturer rule and will become part of that rulemaking. The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.
The agency docket number, if applicable:
R0811a
3. **A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 14 A.A.R. 3810, October 3, 2008
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Dean Wright, Compliance Officer
Address: Board of Pharmacy
1700 W. Washington St., Suite 250
Phoenix, AZ 85007
Telephone: (602) 771-2744
Fax: (602) 771-2749
E-mail: dwright@azpharmacy.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.
Location: Board of Pharmacy
1700 W. Washington St., Suite 250
Phoenix, AZ 85007
Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.
6. **A timetable for agency decisions or other action in the proceeding:**
None

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES COMMUNICABLE DISEASES AND INFESTATIONS

[R08-323]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 6, Department of Health Services – Communicable Diseases and Infestations
Articles and their headings: 1, General

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Section numbers: R9-6-101 and Exhibit I-A (Sections may be added, deleted or modified as necessary.)

2. The subject matter of the proposed rules:

A.R.S. § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall “define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases.” The Department has adopted rules to implement this statute in 9 A.A.C. 6. The definitions for terms used in more than one Article in Chapter 6 are contained in R9-6-101, along with Exhibit I-A, to which reference is made in one of the definitions within R9-6-101. This rulemaking will add and amend definitions in R9-6-101, repeal Exhibit I-A, and conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

The agency docket number:

RE-022-08

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Ken Komatsu
Address: Department of Health Services
State Epidemiologist
150 N. 18th Ave., Suite 100
Phoenix, AZ 85007

Telephone: (602) 364-3587
Fax: (602) 364-3266
E-mail: komatsk@azdhs.gov

or

Name: Kathleen Phillips, Esq.
Administrative Counsel and Rules Administrator
Address: Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams St., Suite 200
Phoenix, AZ 85007

Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the addresses listed in item 4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
OCCUPATIONAL LICENSING

[R08-329]

1. Title and its heading:

9, Health Services

Chapter and its heading:

16, Department of Health Services – Occupational Licensing

Article and its heading:

1, Licensing of Midwifery

Section numbers:

R9-16-101 through R9-16-103, Exhibit B, Exhibit C, R9-16-104, R9-16-105, Exhibit D, and R9-16-105.01 (Sections may be added, deleted or modified as necessary.)

2. The subject matter of the proposed rules:

The Arizona Department of Health Services (Department) is revising its rules for the licensing and regulation of midwives consistent with the Five-year Review Report approved by the Governor’s Regulatory Review Council on November 7, 2006.

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The Department's revision of the midwifery rules will be done in two separate rulemakings. This first rulemaking project revises the midwife licensing rules, including continuing education. The second rulemaking project will revise the midwife practice rules, R9-16-106 through R9-16-111.

The Department is proceeding with the first midwifery rulemaking project.

This Notice of Rulemaking Docket Opening supersedes the Notice of Rulemaking Docket Opening listed in item 3, which contained clerical errors in the Section numbers listed in item 1.

The agency docket number:

RE-019-08

3. A citation to all published notices relating to the proceeding:

Notice of Rulemaking Docket Opening: 14 A.A.R. 3500, September 5, 2008

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Rohno Geppert, Program Manager

Address: Department of Health Services
Division of Licensing Services
Office of Special Licensing
150 N. 18th Ave., Suite 460
Phoenix, AZ 85007

Telephone: (602) 364-2079

Fax: (602) 364-4769

E-mail: gepperr@azdhs.gov

or

Name: Kathleen Phillips, Esq.
Administrative Counsel and Rules Administrator

Address: Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams St., Suite 200
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept written comments at the addresses listed in item 4 until the close of record, which has not yet been determined. The oral proceeding schedule, at which the public may present oral comments, will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Department has not yet determined a timetable for submitting a Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES**

[R08-328]

1. Title and its heading:

9, Health Services

Chapter and its heading:

25, Department of Health Services – Emergency Medical Services

Articles and their headings:

3, Training Programs

Section numbers:

R9-25-304 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The purpose of this rulemaking is to make changes to R9-25-304. R9-25-304 contains the course and examination requirements for a training program. The Department is amending the training and course requirements for a training program to conform to current Departmental policy. The changes also will conform to current rulemaking format and style requirements and industry practice.

The agency docket number:

RE-011-08

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3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Terry Mullins, Bureau Chief
Address: Department of Health Services
Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007-3248

Telephone: (602) 364-3150
Fax: (602) 364-3568
E-mail: mullint@azdhs.gov

or

Name: Kathleen Phillips, Esq.
Administrative Counsel and Rules Administrator

Address: Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams St., Suite 200
Phoenix, AZ 85007

Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept written comments until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

None

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES**

[R08-321]

1. Title and its heading:

17, Transportation

Chapter and its heading:

4, Department of Transportation – Title, Registration, and Driver Licenses

Article and its heading:

5, Safety

Section numbers:

R17-4-510 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

This rulemaking action arises from a Five-year Review Report approved by the Governor's Regulatory Review Council on June 7, 2005. The Arizona Department of Transportation, Motor Vehicle Division (Division), proposes to amend the existing motorcycle noise level limits rule to incorporate 40 CFR 205.166 and to allow local jurisdictions to place more stringent noise level limit standards. Changes are also made to ensure conformity with the Arizona Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements.

3. A citation to all published notices relating to the proceeding:

Not applicable

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Celeste M. Cook, Administrative Rules Analyst
Address: Administrative Rule Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007

Telephone: (602) 712-7624

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Fax: (602) 712-3081

E-mail: ccook@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.azdot.gov/mvd/MVDRules/rules.asp.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written and oral comments will be accepted at the address provided in item 4 between 8:00 a.m. and 5:00 p.m., Monday through Friday, with the exception of state holidays.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF TRANSPORTATION

THIRD-PARTY PROGRAMS

[R08-322]

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 7, Department of Transportation – Third-party Programs
Article and its heading: 7, Title and Registration Program
Section numbers: R17-7-701 and R17-7-708 (Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rule:**
Pursuant to A.R.S. § 28-5131, the Department may authorized a person to be a third-party Electronic Service Provider. The Department engages in this rulemaking to promulgate rules to provide guidance and establish requirements for third-party Electronic Service Providers.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Celeste M. Cook, Administrative Rules Analyst
Address: Administrative Rule Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 530M
Phoenix, AZ 85007
Telephone: (602) 712-7624
Fax: (602) 712-3081
E-mail: ccook@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.azdot.gov/mvd/MVDRules/rules.asp.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

An oral proceeding is not scheduled for these proposed rules. To request an oral proceeding or to submit a comment in writing, by fax, or e-mail, please contact the Administrative Rules Analyst listed in item 4 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, with the exception of legal state holidays.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA

[R08-318]

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 15, Water Infrastructure Finance Authority of Arizona
Article and its heading: 1, Management; 2, Clean Water Revolving Fund; 3, Drinking Water Revolving Fund; 4, Other Financial Assistance; 5, Technical Assistance;

Section numbers:

6, Hardship Grant Fund; 7, Interest Rate Setting and Forgivable Principal
R18-15-101, R18-15-102, R18-15-103, R18-15-104, R18-15-105, R18-15-106, R18-15-107, R18-15-108, R18-15-109, R18-15-110, R18-15-111, R18-15-112, R18-15-113, R18-15-201, R18-15-202, R18-15-203, R18-15-204, R18-15-205, R18-15-206, R18-15-207, R18-15-208, R18-15-301, R18-15-302, R18-15-303, R18-15-304, R18-15-305, R18-15-306, R18-15-307, R18-15-308, R18-15-401, R18-15-402, R18-15-403, R18-15-501, R18-15-502, R18-15-503, R18-15-504, R18-15-505, R18-15-506, R18-15-507, R18-15-508, R18-15-509, R18-15-510, R18-15-511, R18-15-601, R18-15-602, R18-15-603, R18-15-701 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The Authority proposes to modify the existing rule so the rule supports and complements the following three statutory changes implemented since the previous rulemaking in 2001: 1) Counties with less than 500,000 persons are eligible to receive grants, staff assistance or technical assistance in the form of a loan repayment agreement or other professional assistance; 2) Political subdivisions with a population of 50,000 persons or less may pledge revenues for repayment of a loan without an election; and 3) Establishment of the Water Supply Development Revolving Fund to be administered by the Authority.

Additionally, the Authority proposes to reorganize the existing rule so the contents of each Article provide for a clearer understanding of the required actions and process of applying for, evaluation of and receiving financial or technical assistance from the Authority. The reorganization will streamline the rule and reduce the duplication of information between articles.

Article 1 will be reorganized and will provide the general information on the Authority and its Financial and Technical Assistance Programs. This article will focus on the processes that are alike between the three different revolving fund programs (the Clean Water Revolving Fund Program, Drinking Water Revolving Fund Program and Water Supply Development Revolving Fund Program) which provide funding for the Authority's Financial and Technical Assistance Programs. Articles 2, 3 and 4 will then provide information that is specific to each revolving fund program.

Article 2 will be reorganized and will focus on the specifics unique to the Clean Water Revolving Fund Program and the required actions and process for applying for, evaluation of and receiving financial assistance from the Clean Water Revolving Fund.

Article 3 will be reorganized to focus on the specifics unique to the Drinking Water Revolving Fund Program and the required actions and process for applying for, evaluation of and receiving financial assistance from the Drinking Water Revolving Fund.

The existing Article 4 will be replaced with the Water Supply Development Fund Program. Article 4 will focus on the specifics unique to the Water Supply Development Revolving Fund and the required actions and process for applying for, evaluation of and receiving financial assistance from the Water Supply Development Revolving Fund.

Article 5 will be reorganized and streamlined to focus on the required actions and the process for applying for, evaluation of and receiving technical assistance. Article 5 will also provide clarification between technical assistance grants and other technical assistance the Authority may provide.

3. A citation to all published notices relating to this proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Sandy Sutton, Chief Financial Officer
Address: Water Infrastructure Finance Authority
1110 W. Washington St., Suite 290
Phoenix, AZ 85007

Telephone: (602) 364-1314
Fax: (602) 364-1327
E-mail: ssutton@azwifa.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be published in the Notice of Proposed Rulemaking

6. A timetable for agency decisions or other action on the proceeding, if known:

None